

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 05-363)

In the Application of:)	
)	Examiner: STONE,
Philip John Hogg)	CHRISTOPHER R.
)	
Serial No.: 10/534,922)	Art Unit: 1614
)	
Filed: January 30, 2006)	
)	Confirmation No.: 1798
For: Induction of the Mitochondrial)	
Permeability Transition)	

STATEMENT OF THE SUBSTANCE OF THE EXAMINER'S INTERVIEW SUMMARY

Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Following the Examiner's Interview Summary mailed July 16, 2009, please consider the following Statement of the Substance of the Examiner's Interview Summary. Please charge all fees necessary to maintain the pendency of this application to deposit account no. 13-2490.

Remarks begin on page 2 of this paper.

CERTIFICATE OF TRANSMISSION (37 C.F.R. 1.8)

I hereby certify that this correspondence is being transmitted to the USPTO via the USPTO EFS on August 14, 2009.

Date: August 14, 2009

/Michael S. Greenfield/
Michael S. Greenfield

Remarks

An Examiner's Interview was conducted on July 14, 2009, among the undersigned, Examiner Stone, and his supervising Examiner, believed to be Ardin Marschel (as indicated in the Examiner's Interview Summary mailed July 16, 2009). (The applicants believe the date of the interview indicated on the Examiner's Interview Summary (i.e., 15 July 2009) is incorrect.)

The applicant agrees with the substance of the interview set forth in the Examiner's Interview Summary. The undersigned set forth the applicant's position that there was no reason present at the time of the invention to make the presently claims method because, as stated in previous responses, it was unknown at the time that MPT could be selectively induced in proliferating cells compared to non-proliferating or growth quiescent cells.

No agreement was reached as to the patentability of the claims.

If it is believed that a teleconference will advance prosecution, the examiner is encouraged to contact the undersigned as indicated below.

Respectfully submitted,

Date: August 14, 2009

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